



CASEY GERRY SCHENK FRANCAVILLA BLATT & PENFIELD LLP

110 Laurel Street, San Diego, CA 92101-1419
Tel (619) 238-1811 Fax (619) 544-9232

January 13, 2016

David S. Casey, Jr.
Frederick Schenk
Robert J. Francavilla
Gayle M. Blatt
Thomas D. Penfield
Thomas D. Luneau
Jeremy K. Robinson
Wendy M. Behan
Angela Jae Chun
Jason C. Evans
P. Camille Guerra*
Srinivas Hanumadass

of Counsel
Scott C. Cummins

David S. Casey, Sr.
1913-2003
President,
California State Bar, 1975

Richard F. Gerry
1924-2004
President,
Association of Trial Lawyers
of America, 1982

David S. Casey, Jr.
President,
Association of Trial Lawyers
of America, 2004

North County Office
120 Birmingham Drive
Suite 120-E
Cardiff by the Sea, CA 92007
(760) 743-8448
Fax (760) 794-9982

*Admitted in New Mexico

The Honorable Charles R. Breyer
United States District Judge
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 CRB (JSC) – Suggestion of Robinson, Calcagnie & Robinson and Cotchett, Pitre & McCarthy

Dear Judge Breyer:

Our firm is plaintiffs' counsel in *Miller, et al. v. Volkswagen Group of America, Inc., et al.*, currently pending before this Court in MDL No. 2672. Pursuant to Pre-Trial Order No. 2, I hereby submit this letter in support of Mark P. Robinson, Jr. of Robinson, Calcagnie & Robinson and Frank M. Pitre of Cotchett, Pitre & McCarthy as co-lead plaintiffs' counsel.

I have personally known Mark P. Robinson, Jr. since the beginning of his career as an attorney, dating back to his involvement in the Ford Pinto product liability case, one of the most significant jury verdicts in U.S. history. Mr. Robinson is a creative and aggressive attorney. His superior knowledge in automobile products liability cases is well regarded around the country. Combining his particular knowledge with automobile products liability and his consensus building skills, Mr. Robinson would be an asset to this litigation in the co-lead role. I can personally attest to his leadership skills, as witnessed when he served as the national president of American Board of Trial Advocates (ABOTA) and president of Consumer Attorneys of California. His leadership style is very inclusive and he continually reaches out to others.

Mr. Robinson is extremely dedicated to his cases and there is no question that he would devote the time and resources to this case, as he

Trial Attorneys Since 1947
www.cgllaw.com

CaseyGerry

January 13, 2016

Page 2

has to his prior cases. In the article, "New ABOTA president maintains national fame through obsessive preparation," *Los Angeles Daily Journal*, February 18, 2014, Wylie Aiken described Mr. Robinson as follows, "If you work on a case with Mark you can expect a call at 4 in the morning: 'Hey Wylie, I've got an idea.'" Also in the article, Joseph Dunn said "No one knows a case better than Mark when he's in trial, not opposing counsel, not the judge, not the experts." With his dedication to the case and his knowledge gained from working on other cases involving the automobile industry, Mr. Robinson would be an excellent choice as co-lead counsel of the PSC.

Similarly, I have known Frank M. Pitre, of Cotchett, Pitre & McCarthy LLP, for the entirety of his legal career and over the years have had the opportunity to work with Mr. Pitre, and his firm. Recently, we worked together on the Asiana Airlines MDL, where he served as plaintiffs' liaison counsel. Mr. Pitre treats all counsel with enormous respect and always reaches out to others for ideas. He is able to distill complex legal issues and synthesize them down to the simplest of terms. Mr. Pitre is also a master strategizer and is a great resource on any case he's involved with.

Mr. Pitre would be a great asset as co-lead of the PSC and his team of Joseph Cotchett and Nancy Fineman of Cotchett, Pitre & McCarthy, has the resources necessary to prosecute this case. Mr. Pitre was profiled in the December 2014 issue of *Plaintiff* and in the article he described the collaborative working environment of his firm, "No lawyer can do what they do by themselves. Whatever success Joe [Cotchett] or I or Niall [McCarthy] or anyone in the office has had, it's a byproduct of the fact that we have great people that we work with who are equally committed to our civil justice system and to representing clients. That to me is the key to success." As co-lead counsel, Mr. Pitre can bring that collaborative working environment to the PSC as a whole. Mr. Cotchett is considered to be one of the finest trial lawyers in the country.

Mr. Pitre and Mr. Robinson would make an excellent team as co-lead plaintiffs' counsel in this MDL. They both have the experience in the largest automobile product liability cases to date (*In re: Toyota Unintended Acceleration Marketing Sales Practices & Product Liability Litigation* and *In re: General Motors Ignition Switch Litigation*). Possibly more important than their experience on similar cases, is their leadership skills and the ability to work collaboratively with other attorneys. They have vast experience working cooperatively with other counsel, both plaintiffs' and defense. Based on my personal knowledge of Mr. Pitre and Mr. Robinson, I highly recommend them to serve as co-leads in this MDL.

Sincerely yours,



DAVID S. CASEY, JR.